

In the Drawings:

Please replace Figures 1-6 of the present application with replacement Figures 1-6 enclosed herewith.

REMARKS

By this amendment, Figures 1-6 and claim 1 have been amended. Claims 26-30 have been added. Claims 2, 3, 6-10, 14 and 15 were previously withdrawn. Claims 16-25 were previously cancelled. No new matter has been added.

Claims 1-15 and 26-30 are currently pending in the application, of which claims 2, 3, 6-10 and 15 are withdrawn. Reconsideration and allowance of all of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

In regard to Objections to the Drawings

The Examiner has objected to the drawings as not being in compliance with 37 C.F.R. 1.121(d) because the scanned version of the drawings are not completely clear and a possible article in the air bleed line 170 appears to not have been labeled.

In response to the Examiner's objection, the Applicants have amended the drawings. The drawings as amended are believed to be in full compliance with the Rules. As such, it is believed that the Examiner's objection has been overcome and should be withdrawn.

The Examiner has also objected to the drawings under 37 C.F.R. 1.83(a). Referring to the objection,

they fail to show "one or more sealing rings disposed between the circumferential edge of the piston", on page 12, as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing.

It is submitted that the "one or more sealing rings disposed between the circumferential edge of the piston 120 and the valve housing 110" are not essential for a proper understanding of the disclosed invention, and therefore need not be shown in the drawings. In particular, the one or more sealing rings are not recited in any of the claims currently pending. Referring to paragraph [0054] of the specification, the one or more sealing rings are recited as one of a number of alternative structures that can perform the function of the sealing surface, and one alternative structure for performing this function, a "tight clearance between the piston 120 and valve housing 110", is shown in Figures 3-4. In addition, a person skilled in the art of roll-over valves would immediately realize how to

implement one or more sealing rings as recited, and would therefore properly understand the invention irrespective of whether this feature is depicted in the drawings.

As such, it is believed that the Examiner's objection is improper and should be withdrawn.

In regard to Rejection of Claims 1, 4 and 11-13 Under 35 USC § 102(b)

The Examiner has rejected claims 1, 4 and 11-13 under 35 U.S.C. § 102(b), as being anticipated by Orenstein, International Publication No. WO00/53960. The Applicants believe that this rejection has been addressed and overcome by the present amendment.

The Examiner's attention is directed to the following feature of claim 1 as amended:

wherein the piston slides from its roll-over position to its normal position independently of a fluid pressure in the inner chamber when the valve rolls into an upright position.

The Applicants submit that at least the above feature of claim 1 as amended is not taught by Orenstein.

Referring to lines 6-8 of page 9 of Orenstein, describing the valve of Orenstein in a closed position,

In this position, fuel filling via fuel port 85 is cut-off as there is a pressure build up within the volume 88 of the tank 16, entailing cut-off of the filling assembly (not illustrated).

Referring now to lines 17-20 of page 9 of Orenstein,

It will be appreciated that the opening of the inlet 40 occurs even if the tank is under essentially high pressure owing to the progressive detachment of the closure membrane strip 66 from the elongated slit-like inlet aperture 40.

Referring now to lines 28-3 of pages 9-10 of Orenstein,

It is appreciated that once the pressure within the fuel tank 16 drops, and as the first stage member 32 is positively detached from the outlet 22 of the housing 12 with consecutive disengagement of sealing member 50 from the valve seating 24, then the first stage member will continue to displace into the

initial position seen in Fig. 1 wherein it rests over the second stage member 34.

It is apparent that there is a pressure build up in the tank 16 of Orenstein when the valve is closed, and this pressure inherently resists reopening of the valve of Orenstein by exerting an upward pressure on the sealing member 50, thereby urging it against the valve seating 24. Orenstein attempts to address this resistance by providing a closure membrane strip 66 that progressively detaches from an aperture 40, thereby gradually equalizing the pressure within the tank 16 and allowing the valve to reopen. As such, the opening of the valve of Orenstein is resisted by the "essentially high pressure" within the tank, and the valve of Orenstein must overcome and gradually equalize this pressure in order to open. The first stage member 32 of Orenstein continues to displace into its initial (valve open) position "once the pressure within the fuel tank 16 drops". Therefore, while Orenstein teaches a valve that opens even if the tank is under essentially high pressure, Orenstein does not teach a piston sliding from its roll-over position to its normal position independently of a fluid pressure in the inner chamber when the valve rolls into an upright position.

Therefore, at least one feature of claim 1 as amended is not taught by Orenstein, and the Examiner is requested to withdraw his rejection of claim 1 and claims 4 and 11-13 depending therefrom.

In regard to Rejection of Claim 5 Under 35 USC § 103(a)

The Examiner has rejected claim 5 under 35 U.S.C. § 103(a), as being unpatentable over Orenstein in view of Cryder, U.S. Patent No. 3,529,624. The Applicants believe that this rejection has been addressed and overcome by the present amendment.

The Examiner's attention is directed to the following feature of claim 1 as amended:

wherein the piston slides from its roll-over position to its normal position independently of a fluid pressure in the inner chamber when the valve rolls into an upright position.

As discussed above with respect to claims 1, 4 and 11-13, the above feature of claim 1 as amended is not taught by Orenstein.

This deficiency in Orenstein is not remedied by Cryder, without admitting that Cryder can be combined with Orenstein and reserving the right to argue thereagainst in the future.

Referring to the title of Cryder, Cryder relates to a "Relief Valve". Referring now to lines 32-34 of column 1 of Cryder,

[s]uch valves have been employed, for example, for the relief of fluid-containing circuits in heavy machinery.

It is apparent that the valve 10 of Cryder is a pressure relief valve and not a rollover valve. Because the valve 10 is intended for use in heavy machinery that does not roll over in normal use, Cryder does not teach the valve 10 having a rollover position and an upright position, or any behaviour of the valve 10 in either of these positions. Therefore, Cryder does not teach a valve rolling into an upright position, or any behaviour of a valve when rolling into an upright position.

Referring now to lines 12-18 of column 3 of Cryder,

[w]hen the fluid pressure in the protective circuit exceeds a predetermined value, the fluid within the chamber 24 acts upon the differential area 57 of the spool 46, and forces the latter to move against the force of the spring 52, and into an open position in which the seating portion 56 is separated from the valve seat 42.

Referring now to lines 26-29 of column 3 of Cryder,

[t]he spool 46 when the fluid pressure in the protected circuit has returned to normal, is moved by the spring 52 into its original closed position of seating against the valve seat 42.

It is apparent that the spool 46 of Cryder is moved from the closed position to the open position by the action of the pressure in the protective circuit. It is also apparent that the spool 46 of Cryder is moved from the open position to the closed position by the action of the spring 52. As such, the spool 46 of Cryder does not move in either direction under the force of gravity, nor does it move in either direction independently of the fluid pressure in the circuit.

Therefore, Cryder does not teach a piston sliding from its roll-over position to its normal position independently of a fluid pressure in the inner chamber when the valve rolls into an upright position.

Therefore, at least one feature of claim 1 as amended is not taught by Orenstein or Cryder, alone or in combination, which combination is not admitted. As such, the Examiner is requested to withdraw his rejection of claim 5 depending therefrom.

Request for rejoinder of withdrawn claims

It is requested that claims 2, 3, 6-10, 14 and 15, previously withdrawn, be rejoined and allowed, given their dependence from claim 1.

Additional remarks

By the present amendment, claims 26-30 have been added. These claims are believed to be allowable as they recite features not present in the prior art.

In view of the above remarks, the Applicants respectfully submit that all of the currently pending claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in a better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

At the time of filing of the present response, the Office was authorized to charge the fees believed to be necessary to a credit card. In case of any under- or over-payment or should any additional fee be otherwise necessary, the Office is hereby authorized to credit or debit (as the case may be) Deposit Account number 502977.

Respectfully submitted,

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